



7 Virginia Declaration of Rights (1776)

George Mason

By the fall of 1775, the delegates to the Second Continental Congress in Philadelphia knew that it was only a matter of time before they would declare the colonies independent from Great Britain. Colonists and British soldiers had traded shots at Lexington, Concord, Bunker Hill, Fort Ticonderoga, and Crown Point. Congress itself had issued various declarations and petitions to Parliament and King George III, including the "Declaration of the Causes and Necessity of Taking Up Arms." In August 1775, the King responded by issuing the "Proclamation of Rebellion," in which he urged his colonial subjects to resist rebellion. In December, Parliament passed a bill banning all trade with the colonies. In March 1776, Lord Howe moved British troops out of Boston rather than fight what he considered would be a losing battle. By the spring of 1776, the colonial legislatures were urging the Continental Congress to declare independence. In June, the Virginia landowner and statesman George Mason drafted the Virginia Declaration of Rights, which the colony's Convention adopted. Note that many of the ideas expressed in The English Bill of Rights (pages 29–30) and the Declaration and Resolves (pages 37–38) are found in this document.

A declaration of rights made by representatives of the good people of Virginia . . . as the basis and foundation of government.

1. That all men are by nature equally free and independent, and have certain inherent rights, . . . namely, the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety.
2. That all power is vested in, and consequently derived from, the people; . . .

3. That government benefit, protection, security, . . . governing the greatest benefit of the people.
5. That the legislative power be separate and distinct from the executive and judicial powers.
6. That elections of representatives be free, and that the people in assembly be able to speak freely without fear.
7. That all power of taxation be vested in the legislative body, and that no tax be levied without the consent of the people.
8. That in all capital cases, the accused have the right to demand the presence of the jury, and to be confronted with the witnesses, and to have the aid of counsel, and to be tried by a jury of his fellow citizens, and to have the benefit of the law, and to be tried by a jury of his fellow citizens, and to have the benefit of the law, and to be tried by a jury of his fellow citizens, and to have the benefit of the law.
9. That excessive bail be not required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.
11. That in controverted cases, the parties have the right to be heard, and to be tried by a jury of his fellow citizens, and to have the benefit of the law, and to be tried by a jury of his fellow citizens, and to have the benefit of the law.
12. That the freed people [protections] of the law, and to be tried by a jury of his fellow citizens, and to have the benefit of the law.
13. That a well-regulated militia be the best guard of liberty, and that the people be trained to arms, and that the militia be the best guard of liberty, and that the people be trained to arms, and that the militia be the best guard of liberty, and that the people be trained to arms.
15. That no free government can exist without the preservation of the rights of the people, and that the people be the best guard of liberty, and that the people be trained to arms, and that the militia be the best guard of liberty, and that the people be trained to arms.

Rights (1776)

legates to the Second knew that it was only a declare the colonies independent and British soldiers had fired on Bunker Hill, Fort Mifflin itself had issued various resolutions. Parliament and King George III's rejection of the Causes and Effects of the Rebellion, in August 1775, the King's proclamation of Rebellion, in which he declared that the colonies were in rebellion. In announcing all trade with the colonies, the British moved British troops out of the colonies. The colonies considered would be a declaration of independence. The colonial legislatures passed resolutions to declare independence. The statesman George Mason's Virginia Declaration of Rights, which the delegates to the Second Continental Congress considered that many of the ideas in the Declaration of Rights (pages 29-30) and the Virginia Bill of Rights (pages 37-38) are found in this

representatives of the good people of government.

free and independent, and the enjoyment of life and liberty, with the means of acquiring and possessing property, and the pursuit of happiness and safety.

are frequently derived from, the

3. That government is, or ought to be instituted for the common benefit, protection, and security of the people, nation, or community; . . . government . . . is best which is capable of producing the greatest degree of happiness and safety, . . .
5. That the legislative and executive powers of the state should be separate and distinct from the judiciary; . . .
6. That elections of members to serve as representatives of the people in assembly, ought to be free; . . .
7. That all power of suspending laws, or execution of laws, by any authority without consent of the representatives of the people, is injurious to their rights, and ought not to be exercised.
8. That in all capital or criminal prosecutions a man hath a right to demand the cause and nature of his accusation, to be confronted with the accusers and witnesses, to call for evidence in his favour, and to a speedy trial by an impartial jury of his vicinage [neighborhood], without whose unanimous consent he can not be found guilty; nor can he be compelled to give evidence against himself; that no man be deprived of liberty, except by the law of the land or the judgment of his peers.
9. That excessive bail ought not to be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted. . . .
11. That in controversies respecting property, and in suits between man and man, the ancient trial by jury is preferable to any other, and ought to be held sacred.
12. That the freedom of the press is one of the great bulwarks [protections] of liberty, and can never be restrained but by despotic governments [those with unlimited power].
13. That a well-regulated militia, composed of the body of the people trained to arms, is the proper, natural and safe defence of a free state; that standing armies in time of peace should be avoided as dangerous to liberty; and that in all cases the military should be under strict subordination to, and governed by, the civil power. . . .
15. That no free government, or the blessings of liberty, can be preserved to any people, but by a firm adherence to justice,

moderation, temperance, frugality [wise spending] and virtue and by frequent recurrence to fundamental principles.

16. That religion, or the duty which we owe to our Creator, and the manner of discharging it, can be directed only by reason and conviction, not by force or violence; and therefore all men are equally entitled to the free exercise of religion. . . .

Review Questions

1. Describe in your own words *two* rights discussed in the Virginia Declaration of Rights.
2. Why do you think that in Point 5 George Mason claimed that the powers of the legislative and executive powers should be kept separate from that of the judiciary?
3. *Comment on the statement: "The Virginia Declaration of Rights became a model both for the Declaration of Independence and for the Bill of Rights in the U.S. Constitution."*
4. *Ironically, the Virginia Declaration of Rights was issued by a colony where slavery was widespread. Explain whether George Mason's words should be considered those of a hypocrite or those of a visionary.*



From *The*

Thomas Paine

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